

HOUSE BILL 334

F1
HB 508/09 – W&M

0lr1501
CF SB 256

By: Delegates Walker ~~and Ivey~~, Ivey, Hixson, Bartlett, Cardin, Elmore, Frick, Gilchrist, Kaiser, Murphy, Myers, Olszewski, Rice, Ross, Stukes, and F. Turner

Introduced and read first time: January 27, 2010

Assigned to: Ways and Means

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 17, 2010

CHAPTER _____

1 AN ACT concerning

2 **Public Schools – Physical Education Facilities**

3 FOR the purpose of requiring the State Department of Education to adopt regulations
4 that require ~~certain public schools~~ a public school that is newly constructed or
5 completely renovated and occupied on or after a certain date to include a
6 gymnasium and ~~support spaces~~ adequate support space for physical education
7 instruction and; requiring certain regulations to include a certain process to
8 request a waiver from a certain requirement for certain reasons; requiring the
9 Department to adopt guidelines for facilities for physical education programs;
10 providing for the application of this Act; and generally relating to physical
11 education facilities in public schools.

12 BY repealing and reenacting, with amendments,
13 Article – Education
14 Section 7–409
15 Annotated Code of Maryland
16 (2008 Replacement Volume and 2009 Supplement)

17 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
18 MARYLAND, That the Laws of Maryland read as follows:

19 **Article – Education**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 7-409.

2 (a) Each public school shall have a program of physical education that is
3 given in a planned and sequential manner to all students, kindergarten through grade
4 12, to develop their good health and physical fitness and improve their motor
5 coordination and physical skills.

6 (b) **(1)** The Department shall ~~employ~~:

7 **(I)** EMPLOY a full-time director of physical education;

8 **(II)** SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION,
9 ADOPT REGULATIONS THAT REQUIRE A PUBLIC SCHOOL BUILDING THAT IS
10 NEWLY CONSTRUCTED OR COMPLETELY RENOVATED AND OCCUPIED ON OR
11 AFTER JANUARY 1, 2013, TO INCLUDE A GYMNASIUM AND ADEQUATE SUPPORT
12 SPACE FOR PHYSICAL EDUCATION INSTRUCTION; AND

13 **(III)** ADOPT GUIDELINES FOR FACILITIES FOR PHYSICAL
14 EDUCATION PROGRAMS.

15 **(2)** THE REGULATIONS ADOPTED UNDER PARAGRAPH (1)(II) OF
16 THIS SUBSECTION SHALL INCLUDE A PROCESS BY WHICH A LOCAL SCHOOL
17 SYSTEM THAT IS CONDUCTING A COMPLETE RENOVATION OF A PUBLIC SCHOOL
18 BUILDING MAY REQUEST A WAIVER, BASED ON LAND OR ZONING CONSTRAINTS,
19 FROM THE REQUIREMENT TO INCLUDE A GYMNASIUM.

20 (c) Each local school system may develop and implement an annual Wellness
21 Policy Implementation and Monitoring Plan to be used to:

22 (1) Establish baseline student data for the health-related components
23 of physical fitness;

24 (2) Assist students with the development of personal physical fitness
25 plans;

26 (3) Encourage appropriate interventions for students identified as
27 having unhealthy levels of physical fitness;

28 (4) Identify effective practices for improvement of student
29 health-related physical fitness; and

30 (5) Encourage partnerships with health agencies to address student
31 health-related issues in the State.

32 (d) The Department shall:

1 (1) Develop a procedure to monitor and measure the implementation
2 of a local school system's Wellness Policy Implementation and Monitoring Plan;

3 (2) Provide feedback and technical assistance to each local school
4 system that implements a Wellness Policy Implementation and Monitoring Plan;

5 (3) Identify and distribute to each local school system effective
6 wellness policy practices for physical activity and physical education; and

7 (4) Provide staff support to each local school system that implements a
8 Wellness Policy Implementation and Monitoring Plan.

9 (e) Each local school system that implements a Wellness Policy
10 Implementation and Monitoring Plan under subsection (c) of this section shall submit
11 to the Department:

12 (1) The local school system's Wellness Policy Implementation and
13 Monitoring Plan, that shall include:

14 (i) Policy goals;

15 (ii) Activities;

16 (iii) Expected outcomes; and

17 (iv) Measurements for physical activity and physical education;
18 and

19 (2) An annual report on the local school system's progress toward
20 achieving the policy goals of the implementation plan.

21 (f) (1) The Department shall establish an Advisory Council on Health and
22 Physical Education.

23 (2) The Advisory Council shall consist of the following members,
24 selected by each organization from which the member is a representative:

25 (i) A representative from the Department;

26 (ii) A representative from the Maryland Parent-Teacher
27 Association;

28 (iii) A representative from the Maryland State Teachers
29 Association;

30 (iv) A representative from the Public School Superintendents
31 Association of Maryland;

- 1 (v) Representatives from each local school system;
- 2 (vi) A representative from the Maryland Association of Boards of
3 Education;
- 4 (vii) A representative from the Maryland Association of Counties;
- 5 (viii) A representative from the Governor's Council on Physical
6 Fitness and Sport;
- 7 (ix) A representative of the Professional Organization for
8 Health, Physical Education, Recreation, and Dance;
- 9 (x) A representative from an institution of higher education
10 having a health and physical education teacher education program;
- 11 (xi) A representative from Special Olympics of Maryland;
- 12 (xii) A representative from the Department of Health and Mental
13 Hygiene;
- 14 (xiii) A representative from the American Academy of Pediatrics;
15 and
- 16 (xiv) Representatives from the following health organizations:
- 17 1. The American Heart Association;
- 18 2. The American Cancer Society; and
- 19 3. The American Diabetes Association.
- 20 (3) From among its members, the Council shall elect a chair, vice
21 chair, and any other officers necessary to carry out the Advisory Council's functions.
- 22 (4) The Department shall provide staff and other necessary support to
23 the Advisory Council using existing resources.
- 24 (5) A member of the Advisory Council may not receive compensation
25 for serving on the Advisory Council, but is entitled to reimbursement for expenses
26 under the Standard State Travel Regulations, as provided in the State budget.
- 27 (6) The Advisory Council shall meet at least twice each year and may
28 hold additional meetings at the discretion of the chair or at the request of a majority of
29 the members.

1 (7) The Advisory Council shall:

2 (i) Develop and coordinate programs in collaboration with
3 public schools to educate students regarding the importance of:

4 1. Physical activity and physical movement;

5 2. The relationship of physical activity to a healthy
6 lifestyle and improved fitness;

7 3. The relationship between healthy eating, physical
8 activity, and maintaining a healthy weight; and

9 4. The value of physical activity and its relationship to
10 improved academic achievement and stress reduction; and

11 (ii) Identify promising health and physical education practices
12 in the State;

13 (iii) Build a network of health and physical education
14 professionals to share information and strengthen partnerships;

15 (iv) Support successful health and physical education programs
16 in the State and encourage the expansion of those programs; and

17 (v) Consult with organizations represented on the Advisory
18 Council as appropriate.

19 (8) The Advisory Council may:

20 (i) Seek, accept, and expend funds from any source, including
21 donations, State appropriations, and federal grants; and

22 (ii) Seek, accept, and use services from individuals,
23 corporations, and government entities.

24 ~~(C) THE DEPARTMENT SHALL:~~

25 ~~(1) ADOPT REGULATIONS THAT REQUIRE ALL PUBLIC SCHOOL~~
26 ~~BUILDINGS NEWLY CONSTRUCTED OR COMPLETELY RENOVATED AND OCCUPIED~~
27 ~~AFTER JANUARY 1, 2013, TO INCLUDE A GYMNASIUM AND SUPPORT SPACES FOR~~
28 ~~PHYSICAL EDUCATION INSTRUCTION; AND~~

29 ~~(2) ADOPT GUIDELINES FOR FACILITIES FOR PHYSICAL~~
30 ~~EDUCATION PROGRAMS.~~

1 SECTION 2. AND BE IT FURTHER ENACTED, That Section 1 of this Act shall
 2 apply to newly constructed or completely renovated public schools that have not
 3 initiated a Request for Proposal for the selection of an architectural and engineering
 4 consultant on or before the effective date of this Act.

5 ~~SECTION 2.~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take
 6 effect ~~October~~ July 1, 2010.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.